

STATE PERSONNEL BOARD CALENDAR



AUGUST 8, 2006

LOS ANGELES

State of California

Memorandum

DATE: July 28, 2006

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the **August 8, 2006**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on August 8, 2006, at **The Westin Los Angeles Airport Hotel, located at 5400 West Century Boulevard – Midway Room, Los Angeles, California 90045**, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the August 8, 2006, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

A handwritten signature in black ink, appearing to read 'Karen Yu', with a stylized flourish at the end.

Karen Yu
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location –

**The Westin Los Angeles Airport Hotel
5400 West Century Boulevard
Midway Room
Los Angeles, CA 90045**

Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location –

**The Westin Los Angeles Airport Hotel
5400 West Century Boulevard
Midway Room
Los Angeles, CA 90045
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620**

FULL BOARD MEETING – AUGUST 8, 2006

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

² Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

FULL BOARD MEETING AGENDA³

AUGUST 8, 2006
9:00 a.m. – 12:15 p.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:30 a.m.)

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
- 3. REPORT OF THE CHIEF COUNSEL – Elise Rose**
- 4. NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

- 5. REPORT ON LEGISLATION – Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

(9:30 a.m. – 10:00 a.m.)

- 6. ORAL ARGUMENT**

Oral argument in the matter of **DANNY BROWN, CASE NO. 05-2209A**. Appeal from dismissal. Correctional Officer. Department of Corrections and Rehabilitation.

³ The Agenda for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

(10:00 a.m. – 10:30 a.m.)

7. ORAL ARGUMENT

Oral argument in the matter of **LEE KENDRICK, III, CASE NO. 04-1620PA**.
Appeal from demotion. Office Assistant (Typing). Department of Developmental Services.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(10:30 a.m. – 10:45 a.m.)

8. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(10:45 a.m. – 11:15 a.m.)

9. ORAL ARGUMENT

Oral argument in the matter of **RAYMOND SLEDGE, CASE NO. 04-2809PA**.
Appeal from dismissal. Youth Correctional Officer. Department of the Youth Authority.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(11:15 a.m. – 11:45 a.m.)

10. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

11. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

12. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

Connerly v. State Personnel Board, California Supreme Court,
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

13. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

14. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(11:45 a.m. – Onwards)

15. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF SEPTEMBER 5-6, 2006, IN SACRAMENTO, CALIFORNIA

BOARD ACTIONS:

16. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF JULY 11, 2006

17. **EVIDENTIARY CASES** - (See Case Listings on Pages 10–16)
18. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION** - (See Agenda on Pages 22–23)
19. **NON-EVIDENTIARY CASES** - (See Case Listings on Pages 16–19)
20. **NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

- A. **BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

NONE

- B. **ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

| Title | Class Code |
|-----------------------------------------------------------------------------|-------------------|
| Highway Outdoor Advertising Inspector | 8851 |
| Electrical Project Inspector (Various Sites) | 6163 |
| Mechanical Project Inspector (Various Sites) | 6162 |
| Alcoholic Beverage Control Counsel I | 5823 |
| Alcoholic Beverage Control Counsel II | 5831 |
| Alcoholic Beverage Control Counsel III | 5868 |
| Legislative and Public Affairs Coordinator, Office of Administrative Law | 5317 |
| Deputy Workers' Compensation Appeals Board, CEA | 5845 |
| Medical Director Division of Industrial Accidents, CEA | 7808 |
| Farm Hand | 637 |
| Assistant Chief, Producer Licensing, Department of Insurance | 8809 |
| Chief, Producer Licensing, Department of Insurance | 8807 |

21. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

22. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

PROJECT DIRECTOR, WASTE COMPLIANCE AND MITIGATION PROGRAM

The California Integrated Waste Management Board proposes to re-allocate their existing CEA position titled Deputy Director, Diversion, Planning and Local Assistance Division to the above position. The Program Director, Waste Compliance and Mitigation Program, is responsible for setting departmental program policy and making legislative recommendations to the Executive Director based upon principles of integrated waste management planning and environmental and fiscal impact.

PROJECT DIRECTOR, SUSTAINABILITY PROGRAM

The California Integrated Waste Management Board proposes to reallocate their existing CEA position titled Deputy Director, Waste Prevention and Market Development, to the above position. The Project Director, Sustainability Program is responsible for developing and implementing statewide policies and programs concerned with overseeing and assisting local governments and state agencies in achieving statutorily mandated waste diversion goals; develops, recommends and implements programs to increase public participation in all aspects of waste reduction.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

**ASSISTANT SECRETARY, POLICY AND FINANCE
ASSISTANT SECRETARY, WATER MANAGEMENT AND
REGIONAL COORDINATION**

The California Bay Delta Authority has withdrawn their proposals to allocate the above positions to the CEA category effective July 12, 2006.

DEPUTY DIRECTOR, OFFICE OF PROBLEM GAMBLING

The Department of Alcohol and Drug Program's proposal to permanently allocate the above position to the CEA category has been approved effective July 13, 2006. This position was originally approved for a one-year period on November 30, 2004, and on November 29, 2005, a one-year extension was authorized.

**NORTHERN AREA ADMINISTRATOR
SOUTHERN AREA ADMINISTRATOR**

The Department of Employment Development's proposal to allocate the above positions to the CEA category has been approved effective June 30, 2006.

**DEPUTY EXECUTIVE DIRECTOR, CALIFORNIA POLLUTION
CONTROL FINANCING AUTHORITY**

The California Pollution Control Financing Authority's proposal to allocate the above position to the CEA category has been approved effective July 10, 2006.

CHIEF INVESTIGATIONS BRANCH

The Department of Social Service's request to allocate the above position to the CEA category has been approved for a period of twenty-four months effective July 10, 2006.

**DEPUTY DIRECTOR, STATEWIDE TELECOMMUNICATIONS
DEPUTY DIRECTOR, ADMINISTRATION DIVISION
DEPUTY DIRECTOR, ENGINEERING DIVISION**

The Department of Technology Services' proposal to allocate the above positions to the CEA category has been approved effective July 10, 2006.

**CHIEF, FIELD EXAMINATION DIVISION
CHIEF, FINANCIAL ANALYST DIVISION**

The Department of Insurance's proposal to allocate the above positions to the CEA category has been approved effective July 10, 2006.

**DIRECTOR, OFFICE OF SYSTEM INTEGRATION, AGENCY
INFORMATION OFFICER**

The Department of Health and Human Services proposal to combine the duties of two existing CEA allocations: the Agency Information Office; and the Assistant Director, Office of Systems Integration into the above titled CEA allocation has been approved effective July 13, 2006.

CHIEF COUNSEL

The Department of Aging has withdrawn their proposal to allocate the above position to the CEA category effective July 14, 2006.

**CHIEF, ADMINISTRATIVE OFFICER DIRECTOR OF HUMAN
RESOURCES SENIOR SCIENCE AND POLICY OFFICER**

The Department of Food and Agriculture has withdrawn their proposals to allocate the above positions to the CEA category effective July 10, 2004.

23. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

24. WRITTEN STAFF REPORT FOR BOARD INFORMATION

2003-2004 Statewide Language Survey and Implementation Plans, Report to the Legislature. Report to the Legislature transmitting the results of the 03-04 language survey and implementation plans conducted by state departments, mandated by the Dymally-Alatorre Bilingual Services Act, Government Code Section 7299.6.

25. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

26. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 20–21)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

A D J O U R N M E N T

17. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) PRECILLA CALAUNAN, CASE NO. 05-1737RPA

Appeal from dismissal

Classification: Psychiatric Technician Assistant

Department: Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Transcript prepared.

Pending oral argument July 11, 2006, Sacramento.

Oral argument heard July 11, 2006, Sacramento.

Case ready for decision by FULL Board.

(2) PAUL CHATHAM, CASE NO. 05-1287A

SARAH WIRTH, CASE NO. 05-1599A

Appeal from five percent reduction in salary for six months and two work days suspension

Classification: Correctional Lieutenant and Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected May 2, 2006.

Transcript prepared.

Pending oral argument July 11, 2006, Sacramento.

Oral argument heard July 11, 2006, Sacramento.

Case ready for decision by FULL Board.

(3) JUDY JOHNSON, CASE NO. 05-1367A

Appeal from automatic resignation

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

Proposed decision rejected February 21, 2006.

Transcript prepared.

Oral argument (written record) submitted May 2, 2006, Los Angeles.

Case ready for decision by FULL Board.

B. CASES PENDING

ORAL ARGUMENTS

- (1) **DANNY BROWN, CASE NO. 05-2209A**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (2) **LEE KENDRICK, III, CASE NO. 04-1620PA**
Appeal from demotion
Classification: Office Assistant (Typing)
Department: Department of Developmental Services
- (3) **RAYMOND SLEDGE, CASE NO. 04-2809PA**
Appeal from dismissal
Classification: Youth Correctional Officer
Department: Department of the Youth Authority

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **ANDREW DASHIELL, CASE NO. 06-3382**
Appeal from dismissal
Classification: Physician and Surgeon, Correctional Facility
Department: Department of Corrections and Rehabilitation

- (2) **ROBERT FONTES, CASE NO. 04-2245**
Appeal from dismissal
Classification: Caltrans Equipment Operator II
Department: Department of Transportation
- (3) **DARLENE LUSSIER, CASE NO. 06-0561**
Appeal from ten percent reduction in salary for twelve months
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
- (4) **PATRICK NATION, CASE NO. 04-1084**
Appeal from dismissal
Classification: Officer, CHP
Department: Department of California Highway Patrol
- (5) **NICHOLAS ORLANDO, CASE NO. 05-1875**
Appeal from rejection during probationary period
Classification: Equipment Material Specialist
Department: Department of Transportation
- (6) **FILEMON RODRIGUEZ, CASE NO. 06-0044**
Appeal from official reprimand
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (7) **JEFFREY SIMMONS, CASE NO. 05-3426**
Appeal from five percent reduction in salary for four months
Classification: Water and Sewage Plant Operator
Department: Department of Forestry and Fire Protection
- (8) **JACINTO TUMBAGA, JR., CASE NO. 05-4416**
Appeal from ten percent reduction in salary for 13 pay periods
Classification: Medical Technical Assistant (Correctional Facility)
Department: Department of Corrections and Rehabilitation
- (9) **STEPHEN WANAGITIS, CASE NO. 06-0001**
Appeal from five percent reduction in salary for 24 months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (10) **RUI ZHANG, CASE NO. 05-2713**
Appeal from disciplinary transfer
Classification: Transportation Engineer (Civil)
Department: Department of General Services

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

(11) KEVIN REDDINGTON, CASE NOS. 03-2646R & 04-0386R

Appeal from ten percent reduction in salary for 6 pay periods and dismissal

Classification: Office Technician (Typing)

Department: Department of Forestry and Fire Protection

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

(1) ROSIE CAMPBELL, CASE NO. 05-3117P

Appeal from demotion

Classification: Office Services Supervisor II

Department: Department of Social Services

(2) RANDY PEREGRINO, CASE NO. 05-3092P

Appeal from dismissal

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

(3) JAMIE SHAW, CASE NO. 00-2381PA

Appeal for merit issue complaint

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

(4) EDUARDO VICENTE, CASE NO. 05-3717P

Appeal from five percent reduction in salary for twelve months

Classification: Parole Agent I

Department: Department of Corrections and Rehabilitation

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) DANNY BROWN, CASE NO. 05-2209A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected April 4, 2006.

Transcript prepared.

Pending oral argument August 8-9, 2006, Los Angeles

(2) JACK FRIEDMAN, M.D., CASE NO. 05-2596A

JOHN S. COLOCOUSIS, M.D., CASE NO. 05-2592A

Appeal from formal reprimand and formal reprimand and five work days suspension

Classification: Physician and Surgeon, Correctional Facility

Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 6, 2006.

Transcript prepared.

Pending oral argument September 5-6, 2006, Sacramento.

(3) GAIL GARCIA, CASE NO. 05-3030A

Appeal from constructive demotion

Classification: Office Technician

Department: Department of Developmental Services

Proposed decision rejected May 2, 2006.

Transcript prepared.

Pending oral argument August 8-9, 2006, Los Angeles.

Oral argument continued.

- (4) **RAYMOND GURULE, CASE NO. 05-1351A**
Appeal from dismissal
Classification: Youth Correctional Officer
Department: Department of the Youth Authority

Proposed decision rejected April 4, 2006.
Transcript prepared.
Pending oral argument August 8-9, 2006, Los Angeles.
Oral argument continued.
Pending oral argument September 5-6, 2006, Sacramento.
- (5) **LEE KENDRICK, CASE NO. 04-1620PA**
Appeal from dismissal
Classification: Transportation Surveyor
Department: Department of Transportation

Petition for Rehearing granted April 4, 2006.
Transcript prepared.
Pending oral argument August 8-9, 2006, Los Angeles
- (6) **CHAD LOOK, CASE NO. 04-1789APB**
Appeal for back pay
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 21, 2006.
Transcript prepared.
- (7) **TIFFANY MIRANDA, CASE NO. 05-4330A**
Appeal from dismissal
Classification: Custodian Supervisor II
Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 21, 2006.
Transcript prepared.
- (8) **DEYANIRA MOLINA, CASE NO. 05-1567A**
Appeal from dismissal
Classification: Housing Finance Specialist (General)
Department: California Housing Finance Agency

Proposed decision rejected July 11, 2006.
Pending transcript.

- (9) **JONATHAN SILVERMAN, CASE NO. 05-0078A**
Appeal from dismissal
Classification: Workers' Compensation Payroll Auditor
Department: State Compensation Insurance Fund

Proposed decision rejected May 23, 2006.
Transcript prepared.
Pending oral argument September 5-6, 2006, Sacramento.
- (10) **RAYMOND SLEDGE, CASE NO. 04-2809PA**
Appeal from dismissal
Classification: Youth Correctional Counselor
Department: Department of the Youth Authority

Petition for Rehearing granted March 8, 2006.
Transcript prepared.
Pending oral argument August 8-9, 2006, Los Angeles.
- (11) **JAMES STEED, CASE NO. 05-0207PA**
Appeal from constructive medical suspension
Classification: Facility Captain
Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted March 8, 2006.
Transcript prepared.
Pending oral argument August 8-9, 2006, Los Angeles.
Oral argument continued.
Pending oral argument October 10-11, 2006, Sacramento.

19. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **ANTWAN BLUTHENTHAL, CASE NO. 05-2826**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information, and had a negative employment and military record.
- (2) **WAYNE BRENNER, CASE NO. 05-2546**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
- (3) **GLORIA CARRASCO, CASE NO. 05-1347**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative employment record.
- (4) **ERIC DAVIS, CASE NO. 05-1100**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative employment record, drug usage and legal issues.
- (5) **EDUARDO GARCIA, CASE NO. 05-1814**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
- (6) **KIMBERLY PEARCE, CASE NO. 05-0583**
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and had a negative employment record.
- (7) **CAMRIN SERVIO, CASE NO. 05-2874**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative employment record.
- (8) **CREED TAYLOR, CASE NO. 05-2513**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and had a negative employment record.

(9) JERRY WILSON, CASE NO. 05-2509

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; a negative employment history, military record, law enforcement contacts and drug usage

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

NONE

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

(1) JEFF AND NANCY HEMPHILL, CASE NO. 05-3811

Classification: Members of the Public

Department: Department of Water Resources

Issue: The charging party requests to file charges against employees of the Department of Water Resources

- (2) **ROBERT LEFORT, CASE NO. 05-4564**
Classification: Civilly Committed Patient at Atascadero State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against an employee of the Atascadero State Hospital.
- (3) **GREGORY PETERS, CASE NO. 05-2130**
Classification: Civilly Committed Patient at Atascadero State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against an employee of the Atascadero State Hospital.
- (4) **MICHAEL ST. MARTIN, CASE NO. 05-2505**
Classification: Civilly Committed Patient at Atascadero State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against an employee of the Atascadero State Hospital.
- (5) **RONALD WOOD, CASE NO. 05-1176**
Classification: Former Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: The charging party requests that charges be filed against the charged party for violations of various subsections of Government Code, section 19572.

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. JUDY JOHNSON, CASE NO. 05-1367A

Appeal from automatic resignation. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument, Written Record submitted May 2, 2006.)

7. HEARING – Public Hearing Regarding State Employment Application (STD. 678 (Rev/ 12/2001))

Should the Instructions section of the state employment application, pursuant to Richard Toby (2001) SPB Dec. No. 01-04, clarify whether employees who have been rejected during their probationary period be required to answer "Yes" to Question No. 5 of the employment application? (Hearing held July 11, 2006.)

8. PRECILLA CALAUNAN, CASE NO. 05-1737RPA

Appeal from dismissal. Psychiatric Technician Assistant. Department of Developmental Services. (Oral argument held July 11, 2006.)

**9. PAUL CHATHAM, CASE NO. 05-1287A &
SARAH WIRTH, CASE NO. 05-1599A**

Appeal from five percent reduction in salary for six months and two work days suspension. Correctional Lieutenant and Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held July 11, 2006.)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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(Cal. 08/08/06)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry Evans
Director of Legislation

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD DATE AUGUST 8, 2006

(Cal. 08/08/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Non-Hearing Calendar Items for Board Action

The staff has evaluated these items and recommends the following actions be taken:

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

NONE

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES. WHEN CLASSES ARE PROPOSED TO BE ABOLISHED WHICH ARE PART OF A CLASS SERIES, AND OTHER CLASSES WITHIN THE SERIES WILL CONTINUE TO BE USED, THE CLASS SPECIFICATION IS INCLUDED IN THE BOARD ITEM.**

| Title | Class Code |
|-----------------------------------------------------------------------------|-------------------|
| Highway Outdoor Advertising Inspector | 8851 |
| Electrical Project Inspector (Various Sites) | 6163 |
| Mechanical Project Inspector (Various Sites) | 6162 |
| Alcoholic Beverage Control Counsel I | 5823 |
| Alcoholic Beverage Control Counsel II | 5831 |
| Alcoholic Beverage Control Counsel III | 5868 |
| Legislative and Public Affairs Coordinator, Office of Administrative Law | 5317 |
| Deputy Workers' Compensation Appeals Board, CEA | 5845 |
| Medical Director Division of Industrial Accidents, CEA | 7808 |
| Farm Hand | 637 |
| Assistant Chief, Producer Licensing, Department of Insurance | 8809 |
| Chief, Producer Licensing, Department of Insurance | 8807 |

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(Cal. 08/08/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Staff Calendar Items for Board Information

NONE PRESENTED